



General Assembly

September Special Session, 2020

Bill No. 7003

LCO No. 4342



Referred to Committee on No Committee

Introduced by:

REP. ARESIMOWICZ, 30th Dist.

SEN. LOONEY, 11th Dist.

SEN. DUFF, 25th Dist.

REP. RITTER M., 1st Dist.

***AN ACT REVISING THE STATE HEMP PROGRAM IN ACCORDANCE
WITH FEDERAL REQUIREMENTS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22-61l of the 2020 supplement to the general statutes
2 is repealed and the following is substituted in lieu thereof (*Effective*
3 *October 31, 2020*):

4 (a) For the purpose of this section and section 22-61m, the following
5 terms have the same meaning as provided in 7 CFR 990.1, as amended
6 from time to time: "Acceptable hemp THC level", "Agricultural
7 marketing service", "Cannabis", "Conviction", "Corrective action plan",
8 "Culpable mental state greater than negligence", "Decarboxylated",
9 "Decarboxylation", "Dry weight basis", "Gas chromatography",
10 "Geospatial location", "Handle", "High-performance liquid
11 chromatography", "Information sharing system", "Measurement of
12 uncertainty", "Negligence", "Phytocannabinoid", "Postdecarboxylation"

13 and "Reverse distributor". In addition, for the purpose of this section
14 and section 22-61m:

15 (1) "Cannabidiol" or "CBD" means the nonpsychotropic compound by
16 the same name; [and with a delta-9 tetrahydrocannabinol concentration
17 of not more than 0.3 per cent on a dry weight basis derived from hemp,
18 as defined in the federal act;]

19 (2) "Certificate of analysis" means a certificate from a laboratory
20 describing the results of the laboratory's testing of a sample;

21 [(3) "Certified seed" means hemp seed for which a certificate or any
22 other instrument has been issued by an agency authorized under the
23 laws of a state, territory or possession of the United States to officially
24 certify hemp seed and that has standards and procedures approved by
25 the United States Secretary of Agriculture to assure the genetic purity
26 and identity of the hemp seed certified;]

27 [(4)] (3) "Commissioner" means the Commissioner of Agriculture, or
28 the commissioner's designated agent;

29 [(5) "Consumable" means hemp products intended for human
30 ingestion, inhalation, absorption or other internal consumption, that
31 contains a THC concentration of not more than 0.3 per cent on a dry
32 weight basis;]

33 [(6)] (4) "Cultivate" means [planting, growing and harvesting a plant
34 or] to plant, grow, harvest, handle and store a plant or crop; [for
35 commercial or research purposes;]

36 [(7)] (5) "Federal act" means the United States Agricultural Marketing
37 Act of 1946, 7 USC [1621] 1639o et seq., as amended from time to time;

38 [(8)] (6) "Department" means the Department of Agriculture;

39 [(9) "Grower" means a person in the state licensed by the
40 commissioner to cultivate, grow, harvest, handle, store and market

41 hemp pursuant to the federal act, the provisions of this section and the
42 regulations adopted pursuant to this section;

43 (10) "Handle" means possessing or storing hemp for any period of
44 time on premises owned, operated or controlled by a person licensed to
45 cultivate or process hemp, and includes possessing or transporting
46 hemp;]

47 [(11)] (7) "Hemp" has the same meaning as provided in the federal
48 act;

49 [(12)] (8) "Hemp products" means [products with a delta-9
50 tetrahydrocannabinol concentration of not more than 0.3 per cent on a
51 dry weight basis derived from, or made by, the processing of hemp
52 plants or hemp plant parts] all manufacturer hemp products and
53 producer hemp products;

54 [(13)] (9) "Independent testing laboratory" means a facility:

55 (A) For which no person who has any direct or indirect financial or
56 managerial interest in the laboratory and also has any direct or indirect
57 interest in a facility that:

58 (i) [Processes, cultivates] Produces, distributes, manufactures or sells
59 hemp or hemp products, or marijuana in any state or territory of the
60 United States; or

61 (ii) Cultivates, processes, distributes, dispenses or sells marijuana;
62 and

63 (B) That is accredited as a laboratory in compliance with section 21a-
64 408-59 of the regulations of Connecticut state agencies;

65 [(14)] (10) "Laboratory" means a laboratory [located in the state that
66 is licensed by the Department of Consumer Protection to provide
67 analysis of controlled substances pursuant to section 21a-246, The
68 University of Connecticut, the Connecticut Agricultural Experiment

69 Station, the Department of Public Health, the United States Food and
70 Drug Administration, the United States Department of Agriculture or a
71 facility] that meets the [following additional criteria] requirements of 7
72 CFR 990.3 and that is accredited as a testing laboratory to International
73 Organization for Standardization (ISO) 17025 by a third-party
74 accrediting body such as the American Association for Laboratory
75 Accreditation or the Assured Calibration and Laboratory Accreditation
76 Select Services;

77 [(15)] (11) "Law enforcement agency" means the Connecticut State
78 Police, the United States Drug Enforcement Administration, the
79 Department of Agriculture, the Department of Consumer Protection
80 Drug Control Division or any other federal, state or local law
81 enforcement agency or drug suppression unit;

82 [(16)] (12) "Licensee" means [a person who] an individual or entity
83 that possesses a license to [cultivate, process] produce or manufacture
84 hemp or hemp products in this state;

85 [(17)] (13) "Manufacture" means the conversion of [hemp for the
86 purpose of creating a consumable] the hemp plant into a by-product by
87 means of adding heat, solvents or any method of extraction that
88 modifies the original composition of the plant for the purpose of
89 creating a manufacturer hemp product for commercial or research
90 purposes;

91 [(18)] (14) "Manufacturer" means a person in the state licensed by the
92 Commissioner of Consumer Protection to manufacture, handle, store
93 and market manufacturer hemp products pursuant to [the federal act,]
94 the provisions of section 22-61m and any regulation adopted pursuant
95 to section 22-61m;

96 [(19)] (15) "Marijuana" has the same meaning as provided in section
97 21a-240;

98 [(20)] (16) "Market" or "marketing" means promoting, distributing or

99 selling a hemp product within the state, in another state or outside of
100 the United States and includes efforts to advertise and gather
101 information about the needs or preferences of potential consumers or
102 suppliers;

103 [(21)] (17) "On-site manager" means the individual designated by the
104 [licensee] producer license applicant or producer responsible for on-site
105 management and operations of a licensed [grower or licensed processor]
106 producer;

107 [(22)] (18) "Pesticide" has the same meaning as "pesticide chemical" as
108 provided in section 21a-92;

109 [(23) "Plot"] (19) "Lot" means a contiguous area in a field, greenhouse
110 or indoor growing structure containing the same variety or strain of
111 hemp throughout the area;

112 [(24)] (20) "Post-harvest sample" means a representative sample of the
113 form of hemp taken from the harvested hemp from a particular [plot's]
114 lot's harvest that is collected in accordance with the procedures
115 established by the commissioner;

116 [(25)] (21) "Pre-harvest sample" means a composite, representative
117 portion from plants in a hemp [plot] lot, that is collected in accordance
118 with the procedures established by the commissioner;

119 [(26) "Process"] (22) "Produce" means [using or converting hemp for
120 the purpose of creating a form of the commodity, that is not a
121 consumable, for commercial or research purposes] to cultivate hemp or
122 create any producer hemp product;

123 [(27) "Processor" means a person in the state licensed by the
124 commissioner to process, handle, store and market hemp pursuant to
125 the federal act, the provisions of this section and any regulation adopted
126 pursuant to this section;]

127 [(28)] (23) "State plan" means a state plan, as described in the federal

128 act and as authorized pursuant to this section;

129 [(29) "Signing authority" means an officer or agent of the applicant
130 with written authorization of such applicant to commit the applicant to
131 a binding agreement;]

132 [(30)] (24) "THC" means delta-9-tetrahydrocannabinol;

133 [(31) "Homogenize" means to blend hemp into a mixture that has a
134 uniform quality and content throughout such mixture; and

135 (32) "Business entity" means any corporation, limited liability
136 company, association or partnership.]

137 (25) "Controlled Substances Act" or "CSA" means the Controlled
138 Substances Act as codified in 21 USC 801 et seq.;

139 (26) "Criminal history report" means the Federal Bureau of
140 Investigation's Identity History Summary;

141 (27) "Drug Enforcement Administration" or "DEA" means the United
142 States Drug Enforcement Administration;

143 (28) "Farm service agency" or "FSA" means an agency of the United
144 States Department of Agriculture;

145 (29) "Key participant" means a sole proprietor, a partner in
146 partnership or a person with executive managerial control in an entity,
147 including persons such as a chief executive officer, chief operating
148 officer and chief financial officer;

149 (30) "Manufacturer hemp product" means a commodity
150 manufactured from the hemp plant, for commercial or research
151 purposes, that is intended for human ingestion, inhalation, absorption
152 or other internal consumption, that contains a THC concentration of not
153 more than 0.3 per cent on a dry weight basis or per volume or weight of
154 such manufacturer hemp product;

155 (31) "Producer" means an individual or entity licensed by the
156 commissioner to produce and market producer hemp products
157 pursuant to the federal act, the state plan, the provisions of this section
158 and the regulations adopted pursuant to this section;

159 (32) "Producer hemp product" means any of the following produced
160 in this state: Raw hemp product, fiber-based hemp product or animal
161 hemp food product, and each of which contains a THC concentration of
162 not more than 0.3 per cent on a dry weight basis or per volume or weight
163 of such producer hemp product;

164 (33) "USDA" means the United States Department of Agriculture;

165 (34) "Entity" means a corporation, joint stock company, association,
166 limited partnership, limited liability partnership, limited liability
167 company, irrevocable trust, estate, charitable organization or other
168 similar organization, including any such organization participating in
169 the hemp production as a partner in a general partnership, a participant
170 in a joint venture or a participant in a similar organization; and

171 (35) "Homogenize" means to blend hemp into a mixture that has a
172 uniform quality and content throughout such mixture.

173 (b) The Commissioner of Agriculture shall establish and operate an
174 agricultural pilot program, as defined in 7 USC 5940, as amended from
175 time to time, for hemp research to enable the department, and its
176 licensees, to study methods of [cultivating, processing] producing and
177 marketing hemp. All [grower and processor] producer licensees
178 licensed pursuant to this section shall be participants in the state
179 agricultural pilot program for hemp research. Until such time as said
180 commissioner adopts regulations, in accordance with the provisions of
181 chapter 54, the Department of Agriculture shall utilize procedures and
182 guidance policies that the commissioner deems to be consistent with the
183 provisions of 7 USC 5940, as amended from time to time, provided such
184 procedures and guidance policies shall, at a minimum, require: (1) The
185 commissioner to certify and register any site used to grow hemp, (2) any

186 person who [grows] produces hemp to produce plants that meet the
187 definition of hemp and verify such, (3) the maintenance of records by
188 any person who grows hemp and the availability of inspection of such
189 records by the commissioner, and (4) verification of compliance with the
190 definition of hemp by a laboratory, at the expense of any licensee. The
191 provisions of this section shall take precedence over any such procedure
192 or guidance policy. Participants in the state agricultural pilot program
193 for hemp research shall be licensed in accordance with the provisions of
194 this section. Such pilot program shall operate until the earlier of the date
195 of a fully approved state plan under the federal act, as described in this
196 section, or the date of repeal of the federal law permitting the state's
197 agricultural pilot program for hemp research.

198 (c) (1) The commissioner shall prepare a state plan in accordance with
199 the federal act and 7 CFR 990.3, for approval by the Governor, [and
200 Attorney General,] in consultation with the office of the Chief State's
201 Attorney and the Attorney General. The state plan, once approved by
202 the Governor and the Attorney General, shall be submitted by the
203 commissioner to the United States Secretary of Agriculture for his or her
204 approval. The commissioner shall have the authority to amend the state
205 plan, in consultation with the Governor, [and] the Attorney General [in
206 consultation with] and the office of the Chief State's Attorney, as
207 necessary to comply with the federal act.

208 (2) The commissioner shall operate the state plan, which shall
209 include, at a minimum, the following requirements:

210 (A) The sampling of hemp shall comply, at a minimum, with 7 CFR
211 990.3(a)(2) and be performed by the commissioner, the commissioner's
212 designated agents, or an authorized sampling agent;

213 (B) The testing of hemp shall comply, at a minimum, with 7 CFR
214 990.3(a)(3);

215 (C) The control and disposal of noncompliant cannabis plants shall
216 comply with 7 CFR 990.27;

217 (D) The department shall comply with all recordkeeping and
218 reporting requirements in the federal act, and 7 CFR 990.1 to 7 CFR
219 990.71, inclusive;

220 (E) The department shall comply with enforcement procedures in 7
221 CFR 990.6;

222 (F) The department shall conduct annual inspections of, at a
223 minimum, a random sample of producers to verify that hemp is not
224 produced in violation of the federal act, the state plan and the provisions
225 of this section, and shall enforce any violation as provided for in the
226 federal act and as defined in 7 CFR 990.6;

227 (G) Producers shall report their required license, lot and hemp crop
228 acreage information to FSA, in accordance with the requirements in 7
229 CFR 990.7; and

230 (H) Producers shall report to the commissioner the total acreage of
231 hemp planted, harvested and, if applicable, disposed of, and such other
232 information as the commissioner may require.

233 (3) All sampling and testing of hemp shall be done using protocols
234 that are at least as statistically valid as the USDA's published protocols
235 for sampling and testing of hemp, which protocols shall be posted on
236 the department's Internet web site. During a scheduled sample
237 collection, the producer, or an authorized representative of the
238 producer, shall be present at the lot. A producer shall not harvest the
239 cannabis crop prior to the taking of samples. Samples of hemp plant
240 material from one lot shall not be commingled with hemp plant material
241 from other lots. Lots tested and not certified by a laboratory at or below
242 the acceptable hemp THC level shall be handled and disposed of in
243 accordance with the federal act, the provisions of this section and the
244 state plan, as applicable.

245 (4) The commissioner shall collect, maintain and provide to the
246 USDA, on a timely basis, and not less than once per month, license status

247 of each hemp producer, contact information for each hemp producer
248 licensed in the state, including lot legal descriptions and locations, and
249 any changes to such information. The commissioner shall also report to
250 the USDA, on a timely basis, and not less than once per month, all
251 required hemp test results and disposal information for all
252 nonconforming hemp plants and plant material. Such information shall
253 not include state and federal fingerprint-based records pursuant to
254 section 29-17a.

255 (d) The commissioner shall have the authority to enforce the federal
256 act, as amended from time to time, the state plan, this section and any
257 regulations adopted in accordance with the federal act and chapter 54
258 for hemp [cultivation] production in the state. The commissioner shall
259 have the authority to enforce the applicable [processing standard]
260 standards for producer hemp products. [that are not consumables.] The
261 commissioner may consult, collaborate and enter into cooperative
262 agreements with any federal or state agency, municipality or political
263 subdivision of the state concerning application of the provisions of the
264 federal act and the regulations adopted pursuant to the federal act, as
265 may be necessary to carry out the provisions of this section.

266 (e) Any person who [cultivates or processes] produces hemp shall: (1)
267 Be licensed by the commissioner; (2) [only acquire certified seeds]
268 comply with the federal act, the state plan, the provisions of this section
269 and any regulation adopted pursuant to this section; and (3) transport
270 hemp and hemp samples in a manner and with such documentation as
271 required by the commissioner.

272 (f) Any person who sells hemp products shall not be required to be
273 licensed provided such person only engages in: (1) The retail or
274 wholesale sale of hemp or hemp products in which no further
275 [processing] producing or manufacturing of the hemp products occurs
276 and the hemp products are acquired from a person authorized under
277 the laws of this state or another state, territory or possession of the
278 United States or another sovereign entity to possess and sell such hemp

279 products; (2) the acquisition of hemp or hemp products for the sole
280 purpose of product distribution for resale; or (3) the retail sale of hemp
281 products that are otherwise authorized under federal or state law.

282 (g) Any applicant for a license pursuant to this section shall meet each
283 of the following requirements, as applicable:

284 (1) Each applicant, whether an individual or an entity, shall submit
285 an application for a license that consists, at a minimum, of the following:
286 (A) The name, telephone number, electronic mail address, business
287 address and address of any individual who is the applicant, the full
288 name of any entity that is the applicant, including any applicable
289 principal business location and the full name, title and electronic mail
290 address of each key participant; (B) the name and address of [the plot]
291 each lot for the hemp cultivation or [processing] producing location; (C)
292 the geospatial location of each lot by means of global positioning system
293 coordinates and legal description of [the plot] each lot used for the hemp
294 cultivation; (D) the acreage size of [the plot] each lot where the hemp
295 will be cultivated; (E) written consent allowing the commissioner to
296 conduct both scheduled and random inspections of and around the
297 premises on which the hemp is to be cultivated, harvested, stored and
298 [processed] produced; and (F) any other information as may be required
299 by the commissioner;

300 (2) [The] Each individual who is an applicant [, on-site manager and
301 signing authority] and each key participant of any entity applying for a
302 [grower] producer license, or renewal thereof, shall submit to state and
303 national fingerprint-based criminal history records checks conducted in
304 accordance with section 29-17a, at his or her own expense; [, and provide
305 the results to the commissioner for review;] For the period commencing
306 on the effective date of this section and ending on December 31, 2021,
307 the results of any such criminal history records checks shall be provided
308 by such applicants and key participants to the commissioner for review.

309 (3) No [person] individual, including any key participant of any

310 entity, who has been convicted of any felony, as prescribed in the federal
311 act, shall be eligible to obtain or hold a [grower] producer license,
312 provided such restriction shall not apply to any individual who lawfully
313 grew hemp with a license, registration or authorization under any state
314 pilot program authorized by section 7606 of the Agricultural Act of 2014
315 before December 20, 2018. Any individual or entity that materially
316 falsifies any information in an application pursuant to this section shall
317 be ineligible to obtain a producer license; and

318 (4) Each [applicant] individual or entity who [obtains a grower or
319 processor] is required by this section to obtain a producer license shall
320 pay for all costs of sampling, testing, retesting and resampling any
321 [hemp] samples at a laboratory for the purpose of determining the THC
322 concentration level of any cannabis under their control, or in their
323 possession. Each individual or entity who is required by this section to
324 obtain a producer license shall pay for all costs of disposal of all
325 noncompliant cannabis plants under their control, or in their possession.

326 (h) Any [grower or processor] producer license issued by the
327 commissioner shall expire on the [second] third following December
328 thirty-first and may be renewed during the preceding month of October.
329 Such licenses shall not be transferable.

330 (i) The following fees shall apply for each [grower and processor]
331 producer license and inspection:

332 (1) A nonrefundable license application fee of fifty dollars, provided
333 any constituent unit of higher education, state agency or department
334 shall be exempt from such application fee if such [cultivation or
335 processing] production is for research purposes;

336 (2) A nonrefundable [biennial grower] triennial producer license fee
337 of four hundred fifty dollars [per acre of planned hemp plantings] for
338 up to one acre of planned hemp plantings and thirty dollars per each
339 additional acre of planned hemp plantings rounded to the nearest acre,
340 except no license fee charged shall exceed three thousand dollars,

341 provided any constituent unit of higher education, state agency or
342 department shall be exempt from such license fee if such [cultivation]
343 production is for research purposes; and

344 [(3) A nonrefundable processor licensing fee of two hundred fifty
345 dollars for a license to process hemp provided any constituent unit of
346 higher education, state agency or department shall be exempt from such
347 license fee if such processing is for research purposes; and]

348 [(4)] (3) In the event that resampling by the commissioner is required
349 due to a test result that shows a violation of any provision of this section
350 or any regulation adopted pursuant to this section, the licensee shall pay
351 an inspection fee of fifty dollars. Such fee shall be paid prior to the
352 inspection and collection of the sample to be used for resampling.

353 (j) After receipt and review of an application for [grower or processor]
354 producer licensure, the commissioner may grant a [biennial] triennial
355 license upon a finding that the applicant meets the applicable
356 requirements. Each producer licensee shall notify the commissioner of
357 any changes to their application information, not later than fifteen days
358 after such change. While the pilot program is in effect, the commissioner
359 may grant a conditional approval of a [grower] producer license,
360 pending receipt of the criminal history records check required by this
361 section. The commissioner shall assign each producer with a license or
362 authorization identifier in a format consistent with 7 CFR 990.3(a)(9).

363 (k) Whenever an inspection or investigation conducted by the
364 commissioner pursuant to this title reveals any violation of the state
365 plan, this section or any regulation adopted thereunder, the [grower,
366 processor,] producer license applicant or respondent, as applicable,
367 shall be notified, in writing, of such violation and any corrective action
368 to be taken and the time period within which such corrective action shall
369 be taken. Any such [grower, processor,] producer license applicant or
370 respondent may request a hearing, conducted in accordance with
371 chapter 54, on any such notification. Any notification issued pursuant

372 to this section shall be made by certified mail, return receipt requested
373 to the producer license applicant or respondent's last known address,
374 by in-hand service by the commissioner or designated agent of the
375 commissioner, electronic mail service with the consent of the recipient,
376 or by service in accordance with chapter 896. The commissioner shall
377 report all producer violations made with a culpable mental state greater
378 than negligence to the United States Attorney General and the State's
379 Attorney for the judicial district in which the producer violation
380 occurred.

381 (l) Nothing in this section shall be construed to limit the
382 commissioner's authority to issue a cease and desist order pursuant to
383 section 22-4d, or an emergency order, in order to respond to a condition
384 that may present a public health hazard, or issue orders necessary to
385 effectuate the purposes of this section, including, but not limited to,
386 orders for the embargo, partial destruction, destruction and release of
387 hemp or hemp products. Any cease and desist order or an emergency
388 order shall become effective upon service of such order by the
389 commissioner. Following service of any such order, subsequent
390 proceedings shall proceed in accordance with the provisions of section
391 22-4d and the rules of practice for such agency. Any embargo, partial
392 destruction, destruction or release order issued pursuant to this section
393 shall be served by certified mail, return receipt requested to the
394 respondent's last known address, by in-hand service by the
395 commissioner or designated agent of the commissioner, or by service in
396 accordance with chapter 896.

397 (m) Following a hearing conducted in accordance with chapter 54,
398 the commissioner may impose an administrative civil penalty, not to
399 exceed two thousand five hundred dollars per violation, and suspend,
400 revoke or place conditions upon any [grower or processor] producer
401 licensee who violates the provisions of this section or any regulation
402 adopted pursuant to this section.

403 (n) (1) Any individual who [cultivates or processes] produces hemp

404 in this state without obtaining a license pursuant to this section, or who
405 [cultivates or processes] produces hemp in this state after having a
406 license suspended or revoked [may be fined two hundred fifty dollars
407 in accordance with the provisions of section 51-164n] shall have
408 committed an infraction.

409 (2) Any [business] entity that [cultivates or processes] produces hemp
410 in this state without obtaining a license pursuant to this section,
411 produces hemp in violation of this section or [cultivates or processes]
412 produces hemp in this state after having a license suspended or revoked
413 [shall] may be fined not more than two thousand five hundred dollars
414 per violation, after a hearing conducted in accordance with chapter 54.

415 (o) (1) Any negligent violation, as described in the federal act, of this
416 section or the state plan shall be subject to enforcement in accordance
417 with the federal act, and the state plan for negligent violations.

418 (2) For any negligent violation, a producer shall be required to correct
419 such negligent violation, by means of a corrective action plan approved
420 by the commissioner. Each corrective action plan shall include, at a
421 minimum, a reasonable completion deadline for correction of the
422 negligent violation, periodic reporting to the commissioner for at least
423 two years and compliance with the state plan.

424 (3) Any producer that negligently violates the state plan shall not, as
425 a result of such negligent violation, be referred by the commissioner for
426 any criminal enforcement action by the federal, state or local
427 government.

428 (4) Any producer that negligently violates the state plan three times
429 during any five-year period shall be ineligible to produce hemp for a
430 period of five years beginning on the date of the third violation.

431 (5) The commissioner shall conduct an inspection to determine if the
432 corrective action plan for a producer who commits any such negligent
433 violation was properly implemented.

434 (p) Any person aggrieved by an order issued pursuant to this section
435 may appeal to the commissioner in accordance with the provisions of
436 chapter 54. Such appeal shall be made in writing to the commissioner
437 and received not later than fifteen days after the date of the order. If no
438 appeal is made pursuant to this subsection the order shall be final.

439 (q) (1) All documents [included in an application for a grower or
440 processor license] submitted under this section shall be subject to
441 disclosure in accordance with chapter 14, except: [any document
442 describing, depicting or otherwise outlining a licensee's security
443 schematics and the results of any criminal history records check] (A)
444 Information depicting or describing (i) the test results of any producer,
445 (ii) the location of any hemp growing, harvesting, processing or storage
446 location, or (iii) hemp producer location security schematics; and (B) the
447 results of any criminal history records check.

448 (2) Notwithstanding the provisions of subdivision (1) of this
449 subsection, all documents and records submitted or maintained
450 pursuant to this section shall be disclosed to any law enforcement
451 agency upon request of such law enforcement agency.

452 (r) The commissioner may inspect and shall have access to the
453 buildings, equipment, supplies, vehicles, records, real property and
454 other information that the commissioner deems necessary to carry out
455 the commissioner's duties pursuant to this section from any person
456 participating in [the planting, cultivating, harvesting, processing,]
457 producing, handling, storing marketing or researching [of] hemp.

458 [(s) The commissioner shall establish an inspection and testing
459 program to determine THC levels and ensure compliance with the limits
460 on THC concentration in all hemp grown in the state by a grower
461 licensee. The grower shall collect a pre-harvest sample no more than
462 fifteen days before the intended harvest date, in accordance with the
463 commissioner's pre-harvest hemp sampling protocol adopted in
464 accordance with chapter 54 and published on the Internet web site of

465 the Department of Agriculture. The grower and processor licensees
466 shall be responsible for all costs of disposal of hemp samples and any
467 hemp produced by a licensee that violates the provisions of this section
468 or any regulation adopted pursuant to this section. A hemp sample fails
469 THC testing if the test report indicates that the sample contains an
470 average THC concentration greater than 0.3 per cent on a dry weight
471 basis. The commissioner may order and conduct post-harvest sample
472 THC testing of a plot if the results of an initial THC test on the pre-
473 harvest sample provided and collected by the licensee indicate a THC
474 concentration in the pre-harvest sample in excess of such permitted
475 levels, unless the licensee elects to destroy the crop prior to post-harvest
476 sample THC testing.]

477 [(t)] (s) Nothing in this section shall be construed to apply to any
478 licensee of palliative marijuana authorized pursuant to chapter 420f.

479 [(u)] (t) All licensees pursuant to this section shall maintain records
480 required by the federal act, the state plan, this section and any regulation
481 adopted pursuant to this section. Each licensee shall make such records
482 available to the department immediately upon request of the
483 commissioner and in electronic format, if available.

484 [(v)] (u) The commissioner [shall] may adopt regulations, in
485 accordance with the provisions of chapter 54, to implement the
486 provisions of this section including, but not limited to, [establishing
487 sampling and testing procedures to ensure compliance with the federal
488 act and to prescribe disposal procedures for plants grown in violation
489 of the federal act] the labeling of producer hemp products.

490 [(w)] (v) Notwithstanding any provision of the general statutes: (1)
491 Marijuana does not include hemp or hemp products; (2) THC that does
492 not exceed 0.3 per cent by dry weight and that is found in hemp shall
493 not be considered to be THC that constitutes a controlled substance; (3)
494 hemp-derived cannabidiols, including CBD, shall not constitute
495 controlled substances or adulterants solely on the basis of containing

496 CBD; and (4) hemp products that contain one or more hemp-derived
497 cannabidiols, such as CBD, intended for ingestion shall be considered
498 foods, not controlled substances or adulterated products solely on the
499 basis of the containing hemp-derived cannabidiols.

500 [(x)] (w) Whenever the commissioner believes or has reasonable
501 cause to believe that the actions of a licensee or any employee of a
502 [grower or processor] producer licensee [will violate] are in violation of
503 the federal act, the state plan, or any state law concerning the growing,
504 cultivation, handling, transporting or possession of marijuana, the
505 commissioner shall notify the Department of Emergency Services and
506 Public Protection and the State Police.

507 [(y) The Commissioner of Agriculture may enter an agreement with
508 any state or federally recognized Indian tribe to assist such tribe in the
509 development of a pilot program under the federal act or to have
510 applicants from such tribe participate in the pilot program established
511 pursuant to subsection (b) of this section.]

512 Sec. 2. Section 22-61m of the 2020 supplement to the general statutes
513 is repealed and the following is substituted in lieu thereof (*Effective*
514 *October 31, 2020*):

515 (a) No person shall manufacture in the state without a license to
516 manufacture issued by the Commissioner of Consumer Protection.

517 (b) Each applicant for a manufacturer license shall submit an
518 application on a form and in a manner prescribed by the Commissioner
519 of Consumer Protection.

520 (c) The following fees shall apply for a license to manufacture:

521 (1) A nonrefundable license application fee of [fifty] seventy-five
522 dollars; and

523 (2) A nonrefundable licensing fee of [two hundred fifty] three
524 hundred seventy-five dollars for a license to manufacture hemp.

525 (d) A license to manufacture [hemp or hemp products] issued by the
526 Commissioner of Consumer Protection pursuant to this section shall
527 expire [biennially] triennially on June thirtieth. Such licenses shall not
528 be transferable.

529 (e) In accordance with a hearing held pursuant to chapter 54, the
530 Commissioner of Consumer Protection may deny, suspend or revoke a
531 manufacturer license, issue fines of not more than two thousand five
532 hundred dollars per violation and place conditions upon a
533 manufacturer licensee who violates the provisions of this section and
534 any regulation adopted pursuant to this section.

535 (f) (1) Any individual who manufactures in this state without
536 obtaining a license pursuant to this section or who manufactures in this
537 state after such entity's license is suspended or revoked shall be fined
538 two hundred fifty dollars in accordance with the provisions of section
539 51-164n.

540 (2) Any [business] entity who manufactures in this state without
541 obtaining a license pursuant to this section, or who manufactures in this
542 state after having a license suspended, shall be fined not more than two
543 thousand five hundred dollars per violation after a hearing conducted
544 in accordance with the provisions of chapter 54.

545 (g) Nothing in this section shall be construed to apply to any licensee
546 of palliative marijuana authorized pursuant to chapter 420f.

547 (h) The Commissioner of Consumer Protection may inspect and shall
548 have access to the buildings, equipment, supplies, vehicles, records, real
549 property and other information of any manufacturer applicant or
550 licensee that the commissioner deems necessary to carry out the
551 commissioner's duties pursuant to this section.

552 (i) (1) Each manufacturer shall follow the protocol in this subsection
553 for disposing of [hemp or hemp products] cannabis in the event that any
554 hemp or hemp product is deemed to [contain a] exceed the prescribed

555 THC concentration, [of more than 0.3 per cent on a dry weight basis,] as
556 determined by the Commissioner of Consumer Protection, or a
557 manufacturer licensee in possession of hemp or hemp products who
558 desires to dispose of obsolete, misbranded, excess or otherwise
559 undesired product. Each manufacturer licensee shall be responsible for
560 all costs of disposal of hemp samples and any hemp produced by such
561 licensee that violates the provisions of this section or any regulation
562 adopted pursuant to this section. Any [hemp or hemp product
563 containing a] cannabis that exceeds the prescribed THC concentration
564 [of more than 0.3 per cent on a dry weight basis] allowable in hemp or
565 hemp products shall be immediately embargoed by such manufacturer
566 and clearly labeled as adulterated by such licensee and such licensee
567 shall immediately notify both the Department of Consumer Protection
568 and the Department of Agriculture, in writing, of such adulterated
569 product. Such adulterated product shall be destroyed and disposed of
570 by the following method, as determined by the Commissioner of
571 Consumer Protection:

572 (A) Surrender, without compensation, of such hemp or hemp product
573 to the Commissioner of Consumer Protection who shall be responsible
574 for the destruction and disposal of such adulterated product; or

575 (B) By disposal in [the presence of an authorized representative of] a
576 manner prescribed by the Commissioner of Consumer Protection. [in
577 such a manner as to render the hemp or hemp product nonrecoverable.]

578 (2) Notwithstanding the provisions of subdivision (1) of this
579 subsection, upon written request of a manufacturer, the Commissioner
580 of Consumer Protection may permit such manufacturer to combine
581 different batches of raw hemp plant material to achieve a THC
582 concentration of 0.3 per cent on a dry weight basis, in lieu of embargo
583 or destruction.

584 (j) The [person] manufacturer or manufacturer's authorized designee
585 disposing of the hemp or hemp products shall maintain and make

586 available to the Commissioner of Consumer Protection a record of each
587 such disposal or destruction of product indicating:

588 (1) The date, time and location of disposal or destruction;

589 (2) The manner of disposal or destruction;

590 (3) The batch or lot information and quantity of hemp or hemp
591 product disposed of or destroyed; and

592 (4) The signatures of the persons disposing of the hemp or hemp
593 products, the authorized representative of the Commissioner of
594 Consumer Protection and any other persons present during the
595 disposal.

596 (k) Any hemp intended to be manufactured [as a consumable] into a
597 manufacturer hemp product shall be tested by an independent testing
598 laboratory. [or any other such laboratory that is accredited as a testing
599 laboratory to International Organization for Standardization (ISO)
600 17025 by a third-party accrediting body.] A manufacturer licensee shall
601 make available samples, in an amount and type determined by the
602 Commissioner of Consumer Protection, of hemp [or hemp product] for
603 an independent testing laboratory employee to select random samples.
604 The independent testing laboratory [or other such laboratory] shall test
605 each sample for microbiological contaminants, mycotoxins, heavy
606 metals and pesticide chemical residue, and for purposes of conducting
607 an active ingredient analysis, if applicable, as determined by the
608 Commissioner of Consumer Protection.

609 (l) Once a batch of hemp, [or hemp product,] intended to be sold as a
610 [consumable] manufacturer hemp product, has been homogenized for
611 sample testing and eventual packaging and sale, until the independent
612 testing laboratory [or other such laboratory] provides the results from
613 its tests and analysis, the manufacturer licensee shall segregate and
614 withhold from use the entire batch of hemp that is intended for
615 [consumable] use as a manufacturer hemp product, except the samples

616 that have been removed by the independent testing laboratory for
617 testing. During this period of segregation, the manufacturer licensee
618 shall maintain the hemp [or hemp product] batch in a secure, cool and
619 dry location, as prescribed by the Commissioner of Consumer
620 Protection, so as to prevent the hemp [or hemp product] from becoming
621 adulterated. Such manufacturer shall not manufacture or sell a
622 [consumable] manufacturer hemp product prior to the time that the
623 independent testing laboratory [or other such laboratory] completes
624 testing and analysis and provides such results, in writing, to the
625 manufacturer licensee who initiated such testing.

626 (m) An independent testing laboratory [or other such laboratory]
627 shall immediately return or dispose of any hemp or manufacturer hemp
628 product upon the completion of any testing, use or research. If an
629 independent testing laboratory [or other such laboratory] disposes of
630 hemp or manufacturer hemp products, the laboratory shall dispose of
631 such hemp in the following manner, as determined by the
632 Commissioner of Consumer Protection:

633 (1) By surrender, without compensation, of such hemp or
634 manufacturer hemp product to the Commissioner of Consumer
635 Protection who shall be responsible for the destruction and disposal of
636 such hemp or hemp product; or

637 (2) By disposal in [the presence of an authorized representative of] a
638 manner prescribed by the Commissioner of Consumer Protection. [in
639 such a manner as to render the hemp or hemp product nonrecoverable.]

640 (n) If a sample does not pass the microbiological, mycotoxin, heavy
641 metal or pesticide chemical residue test, based on the standards
642 prescribed by the Commissioner of Consumer Protection and published
643 on the Internet web site of the Department of Consumer Protection, the
644 manufacturer licensee who sent such batch for testing shall dispose of
645 the entire batch from which the sample was taken in accordance with
646 procedures established by the Commissioner of Consumer Protection

647 pursuant to subdivision (1) of subsection (i) of this section.

648 (o) If a sample passes the microbiological, mycotoxin, heavy metal
649 and pesticide chemical residue test, the independent testing laboratory
650 [or other such laboratory] shall release the entire batch for
651 manufacturing, processing or sale.

652 (p) The independent testing laboratory [or other such laboratory]
653 shall file with the Department of Consumer Protection an electronic
654 copy of each laboratory test result for any batch that does not pass the
655 microbiological, mycotoxin, heavy metal or pesticide chemical residue
656 test, at the same time that it transmits such results to the manufacturer
657 licensee who requested such testing. Each independent testing
658 laboratory [or other such laboratory] shall maintain the test results of
659 each tested batch for a period of three years and shall make such results
660 available to the Department of Consumer Protection upon request.

661 (q) Manufacturer licensees shall maintain records required by the
662 federal act, this section and any regulation adopted pursuant to this
663 section. Each manufacturer licensee shall make such records available
664 to the Department of Consumer Protection immediately upon request
665 and in electronic format, if available.

666 (r) The Commissioner of Consumer Protection may adopt
667 regulations, in accordance with the provisions of chapter 54, to
668 implement the provisions of this section including, but not limited to,
669 establishing sampling and testing procedures to ensure compliance
670 with [the federal act, to prescribe] this section, prescribing storage and
671 disposal procedures for [plants grown in violation of the federal act]
672 hemp, marijuana and manufacturer hemp products that fail to pass
673 Department of Consumer Protection prescribed independent testing
674 laboratory testing standards and [to establish] establishing advertising
675 and labeling requirements for [consumables] manufacturer hemp
676 products.

677 (s) Any claim of health impacts, medical effects or physical or mental

678 benefits shall be prohibited on any advertising for, labeling of or
679 marketing of [consumables] manufacturer hemp products. Any
680 violation of this subsection shall be deemed an unfair or deceptive trade
681 practice under chapter 735a.

682 (t) Not later than February 1, 2020, the Commissioners of Agriculture
683 and Consumer Protection shall submit a report, in accordance with
684 section 11-4a, to the joint standing committee of the general assembly
685 having cognizance of matters relating to the environment on the status
686 of the pilot program, the development of the state plan and any
687 regulations for such pilot program or state plan. Additionally such
688 report shall include any legislative recommendations, including, but not
689 limited to, any recommendations for requiring the registration of any
690 [consumable] manufacturer hemp product offered for sale in this state.

691 (u) Any person who sells manufacturer hemp products shall not be
692 required to be licensed, provided such person only engages in: (1) The
693 retail or wholesale sale of manufacturer hemp products in which no
694 further manufacturing of hemp occurs, provided such manufacturer
695 hemp products are acquired from a person authorized to manufacture
696 the manufacturer hemp products under the laws of this state or another
697 state, territory or possession of the United States or another sovereign
698 entity; (2) the acquisition of manufacturer hemp products for the sole
699 purpose of product distribution for resale; or (3) the retail sale of
700 manufacturer hemp products that is otherwise authorized under federal
701 or state law.

702 (v) Notwithstanding any provision of the general statutes: (1)
703 Marijuana does not include manufacturer hemp products; (2) CBD that
704 is found in manufacturer hemp products shall not be considered a
705 controlled substance, as defined in section 21a-240, or legend drug, as
706 defined in section 20-571; and (3) cannabinoids derived from hemp and
707 contained in manufacturer hemp products shall not be considered
708 controlled substances or adulterants.

709 Sec. 3. Subdivision (7) of section 21a-240 of the 2020 supplement to
710 the general statutes is repealed and the following is substituted in lieu
711 thereof (*Effective from passage*):

712 (7) "Cannabis-type substances" include all parts of any plant, or
713 species of the genus cannabis or any infra specific taxon thereof whether
714 growing or not; the seeds thereof; the resin extracted from any part of
715 such a plant; and every compound, manufacture, salt, derivative,
716 mixture or preparation of such plant, its seeds or resin; but shall not
717 include the mature stalks of such plant, fiber produced from such stalks,
718 oil or cake made from the seeds of such plant, any other compound,
719 manufacture, salt, derivative, mixture or preparation of such mature
720 stalks, except the resin extracted therefrom, fiber, oil or cake, the
721 sterilized seed of such plant which is incapable of germination, or hemp,
722 as defined in 7 USC 1639o, as amended from time to time. Included are
723 cannabinon, cannabinal, cannabidiol and chemical compounds which
724 are similar to cannabinon, cannabinal or cannabidiol in chemical
725 structure or which are similar thereto in physiological effect, and which
726 show a like potential for abuse, which are controlled substances under
727 this chapter unless [modified] derived from hemp, as defined in section
728 22-61l;

729 Sec. 4. Subdivision (29) of section 21a-240 of the 2020 supplement to
730 the general statutes is repealed and the following is substituted in lieu
731 thereof (*Effective from passage*):

732 (29) "Marijuana" means all parts of any plant, or species of the genus
733 cannabis or any infra specific taxon thereof, whether growing or not; the
734 seeds thereof; the resin extracted from any part of the plant; and every
735 compound, manufacture, salt, derivative, mixture, or preparation of
736 such plant, its seeds or resin. Marijuana does not include the mature
737 stalks of such plant, fiber produced from such stalks, oil or cake made
738 from the seeds of such plant, any other compound, manufacture, salt,
739 derivative, mixture or preparation of such mature stalks, except the
740 resin extracted therefrom, fiber, oil, or cake, the sterilized seed of such

741 plant which is incapable of germination, or hemp, as defined in 7 USC
742 1639o, as amended from time to time. Included are cannabinon,
743 cannabinol or cannabidiol and chemical compounds which are similar
744 to cannabinon, cannabinol or cannabidiol in chemical structure or which
745 are similar thereto in physiological effect, and which show a like
746 potential for abuse, which are controlled substances under this chapter
747 unless [modified] derived from hemp, as defined in section 22-61l;

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 31, 2020</i>	22-61l
Sec. 2	<i>October 31, 2020</i>	22-61m
Sec. 3	<i>from passage</i>	21a-240(7)
Sec. 4	<i>from passage</i>	21a-240(29)

Section 1	<i>October 31, 2020</i>	22-61l
Sec. 2	<i>October 31, 2020</i>	22-61m
Sec. 3	<i>from passage</i>	21a-240(7)
Sec. 4	<i>from passage</i>	21a-240(29)